

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

United States of America  
v.

Raphael D. Turner, II

Case No. Case: 2:23-mj-30182  
Assigned To : Unassigned  
Assign. Date : 5/5/2023  
USA V. TURNER (CMP)(CMC)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 3, 2023 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section*  
18 U.S.C. § 922(g)(1)

*Offense Description*  
Felon in possession of a firearm

This criminal complaint is based on these facts:  
See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: May 5, 2023

City and state: Detroit, MI



*Complainant's signature*

Victor A. Mota, Special Agent, ATF  
*Printed name and title*



*Judge's signature*

Hon. Kimberly G. Altman, United States Magistrate Judge  
*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Special Agent Victor A. Mota, being sworn, depose and state the following:

**I. INTRODUCTION**

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since March 2020. I am currently assigned to the Detroit Field Division, group VII. I am tasked with investigating violations of firearms and narcotics laws. Prior to becoming a Special Agent with ATF, I was an Officer with the United States Customs and Border Protection Office of Field Operations for ten years as well as a supervisor for about two years. I completed the United States Customs and Border Protection Basic course in Brunswick, Georgia, the Criminal Investigator Training Program in Brunswick, Georgia, and the ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Brunswick, Georgia. I obtained a Bachelor of Science degree in Criminal Justice from Wayne State University.

2. During my employment with ATF, I have participated in criminal investigations focused on firearms, armed drug trafficking violations, and criminal street gangs. Through these investigations, my training and experience, and conversations with other agents and law enforcement personnel, I have become familiar with firearms violations.

3. I make this affidavit from personal knowledge based on my participation in this investigation, with exception of the matters expressly stated, which are based on information received from other law enforcement officials and/or their personal information, reports and records. The information outlined herein is provided for the limited purpose of establishing probable cause and does not contain all details or facts that exist pertaining to the investigation.

4. ATF is currently conducting a criminal investigation concerning Raphael D. TURNER II, (DOB xx/xx/1990, for possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1).

## **II. PROBABLE CAUSE**

5. I reviewed a computerized criminal history and Michigan Third Circuit Court records for TURNER, which revealed that TURNER has the following felony arrests and convictions:

- a. On May 25, 2012, TURNER pleaded guilty to one count of Attempt Carrying Concealed Weapon in Wayne County Third Circuit Court. TURNER was sentenced to 18 months' probation. He was found guilty of a probation violation on February 11, 2014.
- b. On January 28, 2014, TURNER pleaded guilty to one count of Attempt Deliver/Manufacture of Marijuana. TURNER was sentenced

to probation. He was found guilty of a probation violation on October 8, 2015, and his probation was extended to February 11, 2016.

- c. On May 1, 2016, TURNER was charged with Possession of a Narcotic Under 25 Grams, Felon in Possession of a Firearm, Felony Firearm, and Carrying a Concealed Weapon. On June 30, 2016, TURNER pleaded guilty to one count of Carrying a Concealed Weapon pursuant to a plea agreement. He was sentenced to 1-5 years' incarceration with the Michigan Department of Corrections.
- d. On April 16, 2018, TURNER pleaded guilty to one count of Deliver/Manufacture Cocaine, Heroin, or Another Narcotic Less than 50 Grams. TURNER was sentenced to 12 months' incarceration in the Wayne County Jail.
- e. On March 22, 2020, TURNER was charged with Assault with a Dangerous Weapon, Felony Firearm, and Felon in Possession of a Firearm. That case was ultimately dismissed.
- f. Because TURNER has multiple felony convictions, has served multiple periods of incarceration, and has been charged with the offense Felon in Possession of a Firearm on two prior occasions, there is probable cause to believe TURNER is aware of his status as a convicted felon.

6. On May 3, 2023, Detroit Police officers in full uniform encountered Raphael TURNER inside a Citgo Gas station on Wyoming Avenue in Detroit, MI. One of the officers observed the front pocket of TURNER's hoodie being weighed down by a heavy object. The second officer asked TURNER if he was armed with a firearm. TURNER told the officers he was not and lifted up his shorts. The first officer—standing on TURNER's right side—observed a black handgun in TURNER's hoodie pocket. The officer grabbed TURNER's right hand, but TURNER snatched it away from the officer. TURNER struggled with both officers as they attempted to place him under arrest. TURNER refused to comply with the officers' commands to put his hands behind his back. Ultimately, the officers were able to place TURNER under arrest.

7. During the struggle with TURNER, one of the officers removed a black Glock, Model 26 pistol with 15 rounds of live ammunition from TURNER's front hoodie pocket.

8. ATF Special Agent Josh Mclean, a firearms interstate nexus expert, without physically examining the firearm, based on the physical description of the firearm advised me that based on his training and experience, the Glock, Model 26 firearm meets the federal definition of a firearm and that it was manufactured outside the State of Michigan and therefore traveled in interstate and/or foreign commerce.

### III. CONCLUSION

9. Based on the above facts, there is probable cause to believe that on May 3, 2023, while in the Eastern District of Michigan, Raphael TURNER, knowing that he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, possessed a Glock, Model 26, semi-automatic pistol, in violation of 18 U.S.C. § 922(g)(1).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Victor Mota", written over a horizontal line.

Special Agent Victor Mota  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Sworn to before me and signed in my  
presence and/or by reliable electronic means.

A handwritten signature in black ink, appearing to read "Kim G Altman", written over a horizontal line.

Honorable Kimberly G. Altman  
United States Magistrate Judge

Dated: May 5, 2023